IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

W.P.Nos.10312 and 10087 of 1998
DATED 18-4-2007

BETWEEN
N.Kalpana

.. Petitioner

And
The Vice Chairman & Managing Director,
APSRTC, Musheerabad, Hyderabad.

.. Respondent

THE HONOURABLE SRI JUSTICE RAMESH RANGANATHAN

W.P.Nos.10312 and 10087 of 1998

COMMON ORDER:

Since common questions arise for consideration in both these writ petitions, they were heard together and are now being disposed of by this common order.

Heard Sri B.R.Choudary, learned counsel for the petitioners and Sri.VTM Prasad, learned standing counsel for the respondents.

In these writ petitions the action of the respondents in issuing notification dated 23.5.1996, for conducting the test to 'Officer under Trainee (General) Category' by setting papers with high standard of

mathematics and irrelevant questions having no nexus with the job, is questioned as being arbitrary and illegal and violative of Articles 14 and 16 of the Constitution of India and consequentially a direction is sought to the respondents to cancel the general test conducted on 5.10.1997 and to conduct a fresh examination by providing appropriate reservation for in-service candidates.

Though both the writ petitions were admitted by this Court, no interim orders were granted. In the counter affidavit filed on behalf of the respondents it is stated that, in the advertisement, it was clearly mentioned that a written test will be conducted in three subjects and on this basis, question papers were set and valued by experienced examiners. Reference is made to Regulation 8 of the A.P.S.R.T.C. Employees Recruitment Regulations, 1966 to contend that departmental candidates, who fulfil the qualifications prescribed for any direct recruitment post, shall be considered on par with direct recruits duly giving age relaxation to the extent of the service rendered by them subject to a maximum of 45 years of age and that the rules do not provide for reservation of posts in favour of departmental candidates. It is stated that since recruitment is open, both for departmental candidates and outsiders, question papers were set by competent and experienced persons and that the question papers are based on the syllabus notified.

The petitioners, in effect, seek a direction from this Court to prescribe the manner in which the question papers are to be set for selection of candidates to the post of 'Officer under Trainee'. They also seek reservation in appointment in favour of internal candidates. These are all matters not for this Court, under Article

226 of the Constitution of India, to determine, as they are in the employer's realm to decide. Since issues whether reservations should be provided in favour of internal candidates and the standard of question paper to be prescribed for written examination for appointment to the post of 'Officer under Trainee' are matters for the employer to decide, it is not for this Court to dictate the manner in which question papers are to be set or the extent of reservation to be provided in favour of internal candidates. The relief sought for, in these writ petitions, is wholly mis-conceived. Both the writ petitions fail and are accordingly dismissed. No costs.

RAMESH RANGANATHAN,J

Dt: 18.4.2007
msv.